

Voter registration booth in Brooklyn, New York



Sylvia Ellis

The Voting Rights Act, 1965

This article considers a landmark piece of civil rights legislation and its impact on the participation of minorities in American politics

Jim Crow era Period from the 1890s characterised by increased discrimination against African Americans through segregation and denial of civil rights. Named after a popular stage stereotype, 'Jumping Jim Crow'.

Exam links

- AQA AS** The campaign for African-American civil rights in the USA, 1950–68
- Edexcel AS** A world divided: communism and democracy in the twentieth century
- OCR (B) AS** Race and American society, 1865–1970s

The Voting Rights Act of 1965 is considered by many to have been the most important piece of legislation passed by the US Congress in the twentieth century. Signed into law by President Lyndon B. Johnson, the Act guaranteed the right to vote by providing crucial federal protections for racial minorities disenfranchised under the 'Jim Crow' laws. Although associated with the African-American

freedom struggle, the voting rights campaign aimed to ensure the right to vote for *all* American citizens.

From the Civil War to reconstruction

Prior to the American Civil War (1861–65) almost all African Americans and Latino Americans were disenfranchised. Individual states, often led by and representing white supremacists, were allowed to establish their own voter qualifications. After slavery was ended, Congress turned its attention to the issue of enfranchisement of the nation's new 'citizens'.

As a result, in 1870, Congress ratified the **Fifteenth Amendment** to the Constitution. America's 4 million newly freed slaves, alongside the existing black population of over 30 million, were free to exercise their right to vote — as were other racial minorities who had become US citizens, such as Mexican Americans. Many African Americans did indeed cast their votes and black candidates were soon elected to office. Black mayors, black congressmen and black senators were all elected during this period of **reconstruction**.

However, Southern culture remained deeply racist. After reconstruction, the pattern of increased black political representation began to reverse. Whites reasserted political control over blacks, through *de jure* and *de facto* segregation, but also via a series of measures including poll taxes, literacy tests, **grandfather clauses** and 'good character' tests. All of these were aimed at ensuring that blacks did not vote and were often accompanied by brutal violence and intimidation at the hands of local whites.

Mississippi, early 1960s

By the early 1960s, very few African Americans in the South were registered to vote. For example, the state of Mississippi had a 45% black population and yet the percentage of blacks registered to vote was extremely low: around 5.2%.

Mississippi was notorious for its deliberate deprivation of black voting rights. It had a reputation for racial violence, such as lynchings and intimidation, often orchestrated by the Ku Klux Klan and White Citizens Councils. Those brave enough to attempt to register to vote were then faced with the obstacle of the voter registration form. Illiteracy rates were high in the African-American community in Mississippi, and the form was lengthy and detailed. For example, it included a section that asked applicants to copy and then interpret a section of the State of Mississippi's Constitution. Even the most polished and sophisticated black interpretation could be found wanting by the local white registrar.

The Civil Rights Act (1964)

In early 1964, planning began for what would become known as the Mississippi Freedom Summer. The organisers and participants hoped their actions would expose the nation to the brutalities and racial injustices in Mississippi and push the White House into further action on civil rights.

The Council of Federated Organisations (COFO) was formed in Mississippi to recruit students to participate in a voter registration drive. Around 1,000 civil rights activists — many of them young white students from the north — travelled to Mississippi to attempt to register African-American voters and to establish freedom schools and clinics.

These attempts to protect minority voting rights ran alongside attempts to challenge racial segregation, particularly by the National Association for the Advance of Colored People (NAACP). Other grassroots civil rights groups developed, and all staged non-violent protests throughout the South in their attempts to force an end to segregation and the protection of voting rights. They held marches, demonstrations, economic boycotts, freedom rides and sit-ins. Their actions helped to push US politicians towards the passage of a series of civil rights acts.

Questions

- 1 Did the civil rights movement force President Johnson into introducing a voting rights bill?
- 2 What was the most important outcome of the Act?
- 3 Are the provisions of the Act still necessary?
- 4 Activity: Listen to the LBJ White House recording online (see Further reading) to explore how the White House reacted to events in Selma. How did Johnson feel about George Wallace's actions and how did he play him politically?

The culmination of this was the landmark Civil Rights Act of 1964. The Act put an end to segregation in public places and prohibited discrimination in federally funded programmes.

The Selma campaign

Events in Mississippi forced voting rights on to the national agenda. However, it is the Selma campaign of early 1965 that has long been credited with forcing the White House to sponsor a voting rights bill. Selma, in Dallas County, Alabama, had a population of 28,000. Almost a quarter were African American but only 2% of voting-age blacks were registered to vote.

From January to March 1965, Martin Luther King, Jr, and activists from the Southern Christian Leadership Conference (SCLC) joined an ongoing Student Non-Violent Co-ordinating Committee (SNCC) campaign that faced violence and intimidation as they marched to protest the lack of voting rights. One activist, Jimmie Lee Jackson, was shot dead by state troopers. In February, King was arrested and while in jail wrote that 'There are more Negroes in jail with me than there are on the voting rolls.'

On 7 March 1965, King and hundreds of other activists intended to march from Selma to the state capitol in Montgomery to register African Americans to vote. Police and state troopers used tear gas and clubs to turn them back as they crossed the Edmund Pettus Bridge just outside Selma. The shocking events

Fifteenth Amendment Prohibits the federal and state governments from denying a citizen the right to vote based on that citizen's 'race, color, or previous condition of servitude'.

reconstruction The years 1863–77 when the Confederate states rejoined the United States and new governments were established.

grandfather clauses Restricted voting rights to men whose grandfathers had been eligible to vote: a requirement that descendants of slaves could not meet.

Participants in the voting rights march from Selma to Montgomery, Alabama, March 1965



of that day, televised and broadcast to the nation, led to it being labelled 'bloody Sunday'.

Two days later, a second attempt to cross the bridge also met with resistance. The 2,000-strong group of marchers had now been joined by religious leaders from around the country who travelled to Selma having seen the TV coverage of events there. Later that night, one of the protestors — a white minister from Boston, Reverend James Reeb — was attacked by white supremacists outside a whites-only restaurant. He died 2 days later, leading to protests outside the White House and in other major cities.

The White House response

The governor of Alabama, George Wallace, asked to meet with President Johnson to discuss the demonstrations. Despite being a committed segregationist who had no sympathy for the marchers (he believed they were all outside agitators or communists), Wallace left the White House promising to allow another march and to take responsibility for the safety of the demonstrators.

President Johnson knew the time to act on voting rights had now come. On 15 March 1965, he addressed a joint session of Congress to announce his intention to put a voting rights bill before them. In a

Box | The Voting Rights Act today

In June 2013 the US Supreme Court invalidated sections of the Voting Rights Act (in a legal case called *Shelby vs. Holder*). It ruled that Section 4b was unconstitutional because the formula for determining which states required pre-clearance was based on data over 40 years old. Without Section 4b, no state or county would need pre-clearance of its voting system.

Following the ruling, a number of states made moves to change their voting system, reducing the number of voting options and arguably limiting the vote from low-income and minority groups.

Because of the potential for abuse of the *Shelby vs. Holder* ruling, a bill sponsored by Democrats and Republicans was introduced to Congress in early 2014. Its aim was to amend Section 4 of the Voting Rights Act to require states to undergo pre-clearance if five or more voting rights violations have occurred within the last 15 years in a state or county. Currently this would apply to Georgia, Louisiana, Mississippi and Texas. Prior to *Shelby vs. Holder* nine states were covered in full, along with counties within six other states.

The legal challenges on both sides continue...

Further reading

The LBJ White House recordings are available on the Miller Center website. Use the dates from this article to locate the speech you would like to hear: www.tinyurl.com/o2ue3gy.

Footage of the Selma to Montgomery march, taken from the award-winning documentary series *Eyes on the Prize*, is available on YouTube: www.tinyurl.com/ks87qcd.

The American Civil Liberties Union website provides an excellent overview of the continuing fight for voting rights in the USA: www.tinyurl.com/bs4vxja.

symbolic gesture, he used the words of the spiritual anthem of the civil rights movement, and said 'We shall overcome'.

King, watching the speech on television, was moved to tears at the sight and sound of a president from the South committing himself unequivocally to the fight for racial justice. Despite Wallace's reassurances, the White House was forced to federalise the Alabama National Guard in order to protect the marchers on the way to Montgomery. On 21 March, the march finally began and over 3,000 people were filmed as they made their way to register to vote.

Passage of the Voting Rights Bill

President Johnson was well aware that passing back-to-back civil rights acts would be extremely difficult. However, he had long anticipated the need for voting rights legislation in addition to a civil rights act to end segregation, and a bill was soon drafted. Opponents of the bill, largely Southern Democrats, continued to use the same **states' rights** argument they had long used. But the bill was quickly signed into law by the president on 6 August 1965.

The bill empowered the Attorney General to appoint federal registrars to monitor voter registration, and



Signing ceremony for the Voting Rights Act, 6 August 1965. President Johnson moves to shake hands with Martin Luther King

outlawed literacy tests. It also named several states and counties in the South, all with long records of racial discrimination in voting practices — Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina and Virginia (as well as Alaska, Hawaii and Idaho) — that had to seek federal approval or pre-clearance from the Department of Justice before changing their election laws in order to show that these would have no discriminatory purpose or effect.

Impact of the Voting Rights Act

The Act had an immediate impact on the number of African Americans registering to vote. More voters registered in the South in the first 5 years after the Act was passed than in the previous 100 years. Mississippi saw its registration rate shift from below 6.7% in 1965 to 60% just 3 years later. With blacks voting in large numbers, the Act also proved crucial in the election of non-white officials. Many credited Jesse Jackson's campaign for the presidency in the 1980s and the election of Barack Obama as the ultimate success of the Voting Rights Act.

Although extremely effective, the Voting Rights Act has remained controversial, with many states objecting to continuing federal oversight of their voting practices. The Act has been under attack in recent years — with some arguing it has now served its purposes and that the pre-clearance section of the bill is no longer necessary (see Box 1).

Conclusion

The Voting Rights Act continues to be viewed by historians as the crowning achievement of the civil rights movement. It put an end to the Jim Crow era and proved an extremely effective Act that led to mass black voter registration and the election of black officials at all levels of government.

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states' rights Political powers reserved for the states under the US Constitution. Southern Democrats asserted these powers when resisting federal laws, legal rulings or executive orders that challenged segregation.

President Lyndon B. Johnson's special address to Congress on voting rights, 15 March 1965



Obama supporters react to news of his success in the presidential elections, 4 November 2008

